

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, JULY13, 2016

I. CALL TO ORDER

- Mayor Miller called the meeting to order at 6:00PM. Council members in attendance: West, Fulkerson, Miller, Baker, Tissot.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION

1. *Conference with legal council regarding active litigation. Tsurai Ancestral Society vs. City of Trinidad. Pursuant to California Government Code section 54956.9 (a)*

IV. RECONVENE TO OPEN SESSION – *Nothing to report.*

V. APPROVAL OF AGENDA

Motion (Baker/West) to approve the agenda as written. Passed unanimously.

VI. APPROVAL OF MINUTES – *June 08, 2016 cc*

Motion (West/Baker) to approve the minutes as amended. Passed unanimously.

VII. COUNCIL MEMBER REPORTS – *No reports submitted.*

VIII. STAFF REPORTS:

City Manager Berman submitted a report to the City Council at the meeting highlighting various accomplishments and project status for the month, including;

- WTP upgrades complete. Engineers are planning an open house to highlight the improvements to.
- Draft amended VDU Ordinance will be brought to the Council before the end of the month.
- Drought restrictions are over. Staff will report on this in August.

IX. ITEMS FROM THE FLOOR:

Pat Morales – Trinidad

Various criticisms of vacation rental inspection process, and asked why the City Manager is performing the inspections? No exceptions should be given unless they're heard at public meeting. No VDU's in residential areas. 4th of July was a mess in town. All hell broke loose. Why can't we request extra patrol in town on the holiday? Beaches were littered. Summer is no longer something I look forward to. Where do we stand with the Rancheria's Trust application?

Shirley Laos – Trinidad Rancheria

The Rancheria presented the Harbor Trust process informatively at the June meeting. We have not submitted the application yet.

Elaine Weinreb – Trinidad Area

I don't understand why the Rancheria Trust process was not an agenda item?

Debbie Callahan – Trinidad

I have lived on Berry road for 32 years. Why didn't we receive notice of the property being developed at 33 Berry Road? It affects our view of the neighborhood from our home. We would like the city to review the project for consistency with what was approved by the Planning Commission.

X. CONSENT AGENDA

1. Financial Status Reports for May 2016.
2. Second Reading of Ordinance 2016-01; Authorizing Participation in the Community Choice Aggregation Program.

Motion (Fulkerson/Baker) to approve the consent agenda as submitted. Passed unanimously.

XI. DISCUSSION/ACTION AGENDA:

1. Discussion/Decision regarding Resolution 2016-09: Approving a Humboldt County Ballot Measure Expenditure Plan and a 20-Year Transportation Sales Tax Measure on the November 08 General Election Ballot

HCAOG Marcella Clem explained that various critical funding sources for roads (such as State gas tax) are being reduced as more fuel efficient cars are being driven. With the reduction in revenue the County is struggling to maintain its roads and proposes an additional sales tax measure to supplement the budget. More than half of one percent of funds, on an annual basis, will be used for administrative purposes of the Humboldt County Association of Governments (HCAOG). The remaining 99.5% funds generated by a ½ cent transportation sales tax measure will be allocated to the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, Trinidad and the County of Humboldt. The allocation formula is based upon \$50,000 base for the four smallest cities (Blue Lake, Ferndale, Rio Dell and Trinidad) with the balance allocated by road miles, population and sales tax generation. The 20-year investment is expected to generate \$200,000,000. She also presented the following details of the measure:

Eligible Uses

- Maintenance, rehabilitation, and reconstruction of existing transportation including trails and transit.
- Local match leveraging of state and federal funds for road, trails and transit infrastructure.
- Retention of commercial air service.

Safeguards and Accountability Measures: This transportation investment plan includes strong taxpayer safeguards to ensure that the projects and programs approved by the voters are funded and delivered.

Taxpayer Oversight Committee: This committee will be created to provide an enhanced level of accountability for expenditures made under this investment plan to ensure that all voter mandates are carried out and that the financial integrity and performance of the program is maintained.

Annual Independent Audit and Annual Reporting: Annual fiscal and compliance audits will be conducted by an independent Certified Public Accountant, selected by the Taxpayers Oversight Committee, to assure that the revenues expended are reasonable. The audit's results and annual report must be published and made available to the general public.

Sunset Date: This measure terminates in 20 years.

Administrative Expense Cap: Expenditures of HCAOG staff necessary to administer the program will be limited to no more than half of one percent of the annual gross revenues provided by the measure. These costs include independent audits, staffing the oversight committee and producing an annual report.

Eligibility Verification: The cities and County will select transportation projects that meet eligibility criteria as identified in this plan. The local jurisdictions will certify in the annual verification submitted to the HCAOG that these transportation funds were used for eligible expenses.

Maintaining Local Transportation Funding Efforts: The local jurisdictions will certify in the annual verification submitted to HCAOG that these transportation funds will be used to augment and not supplant local resources spent. For purposes of this calculation an average of the prior five (5) years spent for local transportation purposes will be used.

There was no public comment.

Council comments included:

Fulkerson: Seems like there needs to be a bigger plan in place. Clem explained that the State is looking at many different alternatives.

*Motion (Fulkerson/Tissot) to approve Resolution 2016-09. **Passed unanimously.***

2. Discussion/Decision regarding Draft Comment Letter regarding BLM's Environmental Assessment of the Trinidad Lighthouse and Surrounding 13 Acre Site.

City Manager Berman presented the draft comment letter to the Council for consideration:

The City of Trinidad appreciates the opportunity to provide comment on the Trinidad Head Lighthouse Management Plan, and would like to thank BLM for their efforts to engage with local partners including the City in developing this Management Plan. The Trinidad Head Light Station is a beautiful and historic area on Trinidad Head, and the City looks forward to ongoing cooperation and coordination with BLM on the management and protection of Trinidad Head.

These comments will follow the basic categories and format provided in Table 1 on Page 6 of the Management Plan.

Site Access

The City believes the site should have open access for day use, consistent with the surrounding City-owned portion of the Head. This would mean removal of the locked gate, so that the public walking the City trails would be free to follow the existing road out to the site. This would not include regular access to the Lighthouse and Bell House buildings. This is consistent with Alternative 1 as presented, except without the connector trail. The City sees substantial public benefit in providing relatively free access to this portion of Trinidad Head, and little reason to limit such access.

Site Improvements

The City supports the site improvements associated with the Proposed Action alternative, with the addition of select low-impact improvements from Alternative 1 including a spotting scope and possible viewing platform, and removal of obsolete infrastructure. With the exception of special events for education and interpretation, the City advocates that this area of the Head be managed and developed similarly to the City-controlled trails. This includes free daytime access and amenities consistent with recreational hiking trails. The City is concerned that constructing a vault toilet on the Head would be an unnecessary level of impact, seems out of place with existing development on site, inappropriate given the cultural significance of the Head to the Yurok people, and would require regular large vehicle traffic on a narrow road to pump and maintain. There are excellent public restroom facilities at the existing Pier area, and the benefits of a toilet on site do not seem to outweigh the impacts.

Similarly, the excellent access to the site on the existing road raises questions about the benefit vs. impact of constructing the described 'connector trail'.

Undergrounding the electrical lines would be desirable from an aesthetic standpoint, and the City is supportive of BLM exploring this in more detail. A more detailed assessment of this project is needed to evaluate the extent and impacts of ground disturbance involved in such a project, including the potential for cultural resource disturbance.

Signs

The City supports Alternative 1 – work with partners to develop an interpretive sign plan for Trinidad Head and pier, and include interpretive sign(s) on site. BLM's expertise and experience in this area would be a real benefit to the City and to the visitors from around the world that hike Trinidad Head.

Lighthouse Tours

The City is supportive of regular guided Lighthouse tours. The appropriate frequency of such tours seems like something for BLM and volunteer staff to assess over time based on demand and impact.

Special Events

The City agrees with the Proposed Action in not allowing ceremonies and private gatherings, both for practical reasons like lack of parking or restrooms, and out of respect for the spiritual significance of the site.

Public comment included:

Elaine Weinreb – Trinidad Area Resident

I support expanded access on Trinidad Head, improving the viewshed from the trail and spurs, and developing a restroom facility on site.

Shirley Laos – Trinidad Rancheria

Toured the site with BLM and Staff. Staff were very concerned with views being blocked. I support the draft letter and will advise the Tribal Council to consider Alternative 1 as written in the draft letter presented to the city tonight. Combining elements of each alternative makes sense.

Council comments included:

Baker: I'd like to see the viewsheds be maintained as well.

*Motion (Fulkerson/West) to approve and sign the draft letter to the BLM as written. **Passed unanimously.***

3. November Council Election Schedule and Upcoming Deadlines.

City Clerk Adams explained that the City's November 08, 2014 Election ballot will include the Sales Tax Continuation Measure, and Two (2) Councilmember seats.

The list of deadlines related to the Election is as follows:

- **On or before July 16 - Election Notice:** A notice will be published in the 3 locations throughout the City (City Hall, Murphy's Market, and the Trinidad Post Office), and in the Times-Standard & Mad River Union announcing the November Election and the Council positions available.
- **July 18 – Candidate Nomination Period Opens:** Anyone who wants to file as candidate for one of the (2) open positions may pick up nomination packets from the Clerk's office at the Town Hall. Fee for filing a candidate statement in the election ballot is \$375. Payment must be made when the nomination packets are submitted. ***Deadline for incumbents to file nomination papers is 2:00pm, Friday, August 12.***
- **On or before August 04 – Notice Published to Accept Arguments For/Against Sales Tax Increase;** The City Clerk must file a notice to the public announcing that anyone who wishes to file arguments for or against the Sales Tax Increase continuation measure may do so by the deadline of 2:00pm, Friday, August 12.
- **August 12 – Deadline for Incumbents to file Nomination Packet, and Arguments For/Against the Sales Tax Increase**
- **August 17 – Deadline for Nomination Packets IF NO INCUMBENTS file for the positions.**
- **August 22 – Deadline to file REBUTTALS to Arguments For/Against Sales Tax Increase.**
- **November 08 – Election Day**

There was no public comment.

Councilmembers Miller and Fulkerson agreed to work together on the Arguments for the Sales Tax Extension.

4. Discussion/Decision regarding Councilmember Committee Assignments.

Councilmember Tissot agreed to take over Dave Winnett's assignments: HCCVB, OES, HMRA.

Further reassignment will be discussed again after the November election.

5. Discussion/Decision regarding Staff Update on Ordinance and Policies re: enforcement of safety and nuisance issues.

This item was presented at the May 10 meeting as a consent agenda item, and approved by the Council to return to a future meeting for further review, analysis, and discussion. Although this topic has many layers of authority – California Penal Code, Vehicle Code, Container & Litter Laws, City Municipal Code, etc. - staff will attempt to present a list to the Council that outlines the issues identified below, and present any supporting statistics relative to enforcement.

City Manager Berman provided a template staff report that addressed the leash law in town. The report identified where dogs are allowed on and off leash, and where they are prohibited. It cited sections of the ordinance that referenced dog laws, and penalties for violating the ordinance. It brought up questions from the Council about inconsistencies with signage and city policy.

Councilmembers agreed that the template report was useful and should be used periodically to address other related topics that need clarification.

No decision was made.

XII. ADJOURNMENT

Meeting ended at 8:50pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

Dwight Miller
Mayor